

Requested By: kat 03/17/2006

EPA Region 5 Records Ctr.



287973

**GENERAL WARRANTY DEED
(CORRECTIVE DEED)****KNOW ALL MEN BY THESE PRESENTS THAT****BK: 7708 PG: 319**

That **Elsa M. Skinner a.k.a. Elsa M. Skinner-Morgan**, a married woman whose spouse's name is **David Lee Morgan**, ("Grantor"), of West Chester, Butler County, Ohio, for valuable consideration paid, does hereby **Grant, Bargain, Sell and Convey** with general warranty covenants unto **Elsa M. Skinner-Morgan, Trustee of the Elsa M. Skinner-Morgan Revocable Trust Dated July 12, 2005**, her successors and assigns forever, ("Grantee"), whose tax mailing address is P.O. Box 159, West Chester, Ohio 45071, the following described **Real Estate**:

See Attached "Exhibit A" - Legal Description

See Attached "Exhibit B" - Notice of Restricted Area

200600013831
Filed for Record in
BUTLER COUNTY, OHIO
DANNY N CRANK
03-06-2006 At 02:46:03 PM.
DEED 60.00
DR Book 7708 Page 319 - 324

Property Address: 8750 Cincinnati Dayton Rd., West Chester, Ohio

Parcel Numbers: M5610-023-000-015

M5610-023-000-025

M5610-023-000-055

Prior Recording Information: Book 1236, Page 337 of the Records of Butler County, Ohio.

The above premises were previously conveyed by Grantor, **Elsa M. Skinner a.k.a. Elsa M. Skinner-Morgan**, a married woman, to **Elsa M. Skinner-Morgan, Trustee of the Elsa M. Skinner-Morgan Revocable Trust Dated July 12, 2005**, in Book 7628, Page 1307 of the Records of Butler County, Ohio. This deed contained an incorrect legal description and did not contain a required Notice of Environmental Covenant of the Site or Restricted Area.

This corrective deed is made for the purpose of correctly identifying and confirming the legal description of said property based upon the revised survey plat recorded in Volume 22, Page 175 of the Butler County Engineer's Records of Land Surveys and to add the required Notice of Environmental Covenant of the Site or Restricted Area.

The said **Elsa M. Skinner-Morgan**, for herself and her heirs, executors and administrators, does hereby **Covenant and Warrant** that she is the true and lawful owner of said premises, and has full power to convey the same; and that the title so conveyed is **Clear, Free and Unencumbered**, and that she will **Defend** the same against all lawful claims of all persons whomsoever.

TO HAVE AND TO HOLD the above premises, with the appurtenances thereunto belonging, unto the said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said **Elsa M. Skinner-Morgan**, and her spouse, **David Lee Morgan**, who both release all their rights and expectancy of Dower in said premises, have hereunto set their hands this 31st day of January, 2006.

SIGNED AND ACKNOWLEDGED:

Elsa M. Skinner-Morgan

David Lee Morgan

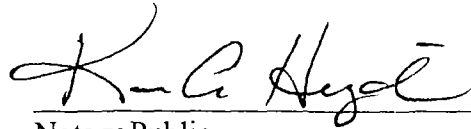
STATE OF OHIO)
) SS:
COUNTY OF BUTLER)

TRANSFER NOT NECESSARY
KAY ROGERS
BY 3/6/06 TF DEPT.
AUDITOR, BUTLER CO., OHIO

BE IT REMEMBERED, that on the 31st day of January, 2006, before me, a Notary Public in and for said County and State, personally appeared **Elsa M. Skinner-Morgan** and

David Lee Morgan, who, under penalty of perjury in violation of §2921.11 of the Revised Code, acknowledged to me to be said persons, and that the same is his/her own voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal
at West Chester, Ohio on the day and year last above-mentioned.



Notary Public

KAREN A. HIGDON
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 11-19-10

This instrument prepared by:
Louis H. Katz, Esq.
Katz, Greenberger & Norton LLP
105 East Fourth Street, Suite 400
Cincinnati, Ohio 45202
(513) 721-5151

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EXHIBIT A

Legal Description of the "Site"

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PARCEL I

Situated in and being in Section 22, Town 3, Range 2 and in ^{West Chester} Township, Butler County, Ohio, and is bounded and described as follows:

Beginning at the Northwest corner of the Southeast Quarter of said Section 22, Town 3, Range 2; thence along the north line of the southeast quarter section, South 86° 09' East, 300.40 feet to an old stone; thence North 4° 18' 45" East, 726.56 feet to an iron pipe; thence South 85° 57' 45" East, 406.26 feet to the old right of way for the C.C.C. & St. L. Railroad; thence along said old right of way line South 15° 10' 45" East, 163.00 feet to a point in the present right of way line for the C.C.C. & St. L. Railroad; thence along said present Railroad right of way line, South 11° 49' West, 1865.17 feet to an iron pipe; thence South 89° 03' West, 512.03 feet; (witnessed by an iron pipe, North 89° 03' East, 2.00 feet); thence North 3° 59' East, 1318.92 feet to an iron pipe and the point of beginning; containing 24.852 acres of land, more or less.

M5610-023-000-015

PARCEL II

Situate in Section 22, Town 3, Range 2, ^{West Chester} Township, Butler County, Ohio and being part of the property conveyed to Elsa M. Skinner by deed recorded in Deed Book 1236, Page 337, in the Butler County Recorder's Office, and being more particularly described as follows:

Commencing at the intersection of the west line of Section 22 and the half section line; thence along said half section line, South 87° 01' 55" East, 982.76 feet to the centerline of Cincinnati-Dayton Road; thence leaving said half section line and along said centerline, South 39° 59' 08" West, 861.28 feet to the western most corner of said Skinner lands; thence along said centerline, North 39° 59' 08" East, 198.15 feet to the point of beginning of this tract; thence along said centerline, North 39° 59' 08" East, 263.98 feet; thence leaving said centerline and with said Skinner lines, South 50° 00' 52" East, 363.10 feet; thence North 39° 59' 08" East, 171.00 feet; thence North 29° 42' 05" East, 279.68 feet; thence South 50° 02' 05" East, 175.77 feet; thence North 23° 00' 00" East, 328.48 feet; thence South 86° 06' 05" East, 66.89 feet; thence South 85° 38' 15" East, 292.00 feet; thence by new division line, South 40° 49' 19" West, 848.97 feet; thence South 35° 31' 36" West, 225.23 feet; thence South 36° 05' 41" West, 269.24 feet; thence South 43° 12' 11" West, 99.54 feet; thence North 46° 47' 50" West, 339.63 feet; thence North 39° 59' 08" East, 188.51 feet; thence North 50° 00' 52" West, 363.10 feet to the said centerline and the point of beginning of this parcel.

Containing 11.507 acres of land, more or less.

A plat of survey prepared by Joseph M. Allen Co. is recorded in Volume 22, Page 175 of the Butler County Engineer's Records of Land Surveys.

PARCEL III

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Situate in Section 22, Town 3, Range 2, ^{West Chester} Township, Butler County, Ohio and being part of the property conveyed to Elsa M. Skinner by deed recorded in Deed Book 1236, Page 337 in the Butler County Recorder's Office, and being more particularly described as follows:

Commencing at the intersection of the west line of Section 22 and the half section line; thence along said half section line, South 87° 01' 55" East, 982.76 feet to the centerline of Cincinnati-Dayton Road; thence leaving said half section line and along said centerline, South 39° 59' 08" West, 861.28 feet to the westernmost corner of said Skinner lands, being the point of beginning of this tract; thence along said centerline, North 39° 59' 08" East, 198.15 feet; thence by new division line, South 50° 00' 52" East, 363.10 feet; thence South 39° 59' 08" West, 188.51 feet; thence South 46° 47' 50" East, 339.63 feet; thence North 43° 12' 11" East, 99.54 feet; thence North 36° 05' 41" East, 269.24 feet; thence North 35° 31' 36" East, 225.23 feet; thence North 40° 49' 19" East, 848.97 feet to said Skinner line; thence with said Skinner line, South 85° 38' 15" East, 802.73 feet; thence South 4° 16' 10" West, 1319.05 feet; thence South 89° 08' 10" West, 649.50 feet to the east line of Ray A. Skinner as conveyed by deed recorded in Deed Book 1475, Page 656 in the Butler County Recorder's Office; thence with said Ray Skinner line, North 7° 08' 10" East, 58.61 feet; thence North 75° 27' 20" West, 225.36 feet; thence South 6° 48' 51" West, 118.98 feet to said Elsa Skinner line; thence with said line, South 82° 52' 15" West, 530.95 feet; thence North 5° 52' 15" West, 108.95 feet; thence North 46° 47' 50" West, 1007.50 feet to the centerline of Cincinnati-Dayton Road and the point of beginning; excepting therefrom the 0.401 acres of land of Charles S. and Rosella M. Wallen as conveyed by deed recorded in Deed Book 721, Page 251 of the Butler County Recorder's Office.

Containing 41.938 acres of land, more or less.

A plat of survey prepared by Joseph M. Allen Co. is recorded in Volume 22, Page 175 of the Butler County Engineer's Records of Land Surveys.

M5610-023-000-055

Property Address: 8750 Cincinnati Dayton Road, West Chester, OH
Tax ID No.: M5610-023-000-015; -025; -055

EXHIBIT B

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Notice upon Conveyance of Restricted Area or any Portion thereof

THE INTEREST CONVEYED HEREBY IS SUBJECT TO A CONSENT DECREE DATED APRIL 2, 2001, WHICH WAS RECORDED IN THE OFFICE OF THE BUTLER COUNTY RECORDER, OR BOOK 6658, Pages 413-613, AND WHICH RESTRICTS THE INTEREST CONVEYED AS SET FORTH IN THIS NOTICE, AND AN ENVIRONMENTAL COVENANT, DATED 1-24, 2006, RECORDED IN THE OFFICIAL RECORDS OF THE BUTLER COUNTY RECORDER ON 2-14, 2006, in BOOK 7699, Page 953, THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS AND ACCESS RIGHTS:

Activity and Use Limitations on the Restricted Area.

(a) The Restricted Area shall not be used in any manner that would interfere with or adversely affect the integrity or protectiveness of the remedial action which has been implemented or which will be implemented pursuant to the Consent Decree unless the written consent of the EPA to such use is first obtained. There shall be no drilling, digging, building, or the installation, construction, removal or use of any buildings, wells, pipes, roads, ditches, or any other structures on the Restricted Area unless the written consent of EPA to such use or activity is first obtained. No person shall bring any Waste Material or Scrap Metal onto the Restricted Area, except in accordance with any federal, state or local permit or the Consent Decree.

(b) The Restricted Area, shall be used solely for Commercial/Industrial Activities only in accordance with an EPA-approved plan for re-use of the Restricted Area as required under Paragraph 5(a) of the Environmental Covenant and the Restricted Area shall not be used for Residential and Other Prohibited Activities. The Restricted Area has been remediated only for commercial/industrial uses. The term "Commercial/Industrial Activities" includes: (i) wholesale and retail sales and service activities including, but not limited to retail stores, and automotive fuel, sales and service facilities; (ii) governmental, administrative and general office activities, (iii) manufacturing, processing, and warehousing activities, including, but not limited to, production, storage and sales of durable goods and other non-food chain products; and (iv) activities which are consistent with or similar to the above listed activities; together with related parking areas and driveways, but excludes Residential and Other Prohibited Activities. The term "Residential and Other Prohibited Activities" includes: (i) single and multi-family dwellings and transient residential units; (ii) day care centers and preschools; (iii) public and private elementary and secondary schools; (iv) hospitals, assisted living facilities and other extended care medical facilities and medical and dental offices; (v) food preparation and food service facilities, including food stores, restaurants, banquet

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facilities and other food preparation or sales facilities; and (vi) indoor or outdoor entertainment and recreational facilities.

- (c) There shall be no consumptive use of Restricted Area groundwater, either on or off the Restricted Area.

Requirements for Notice to EPA Following Transfer of a Specified Interest in, or Concerning Proposed Changes in the Use of, Applications for Building Permits for, or Proposals for any Site Work Affecting Contamination on, the Restricted Area. No transferee in interest may make changes in the use of the Restricted Area, or may make applications for building permits for, or proposals for any work in the Restricted Area without first providing notice to EPA and obtaining any approvals or consents thereto which are required under Sections VII, VIII, X or XIII of the Consent Decree.

Access to the Restricted Area. Pursuant to Section X of the Consent Decree and the Environmental Covenant, EPA and the Settling Generator/Transporter Defendants, their successors and assigns, and their respective officers, employees, agents, contractors and other invitees (collectively, "Access Grantees") shall have an unrestricted right of access to the Restricted Area to undertake the Permitted Uses described below and, in connection therewith, to use all roads, drives and paths, paved or unpaved, located on the Restricted Area or off the Restricted ("off-site") and the Access Roads. The Site and the Access Roads are shown on the Survey which is recorded in Volume 22, Page 175 of the Butler County Engineer's Records of Land Surveys. The right of access granted under this Paragraph shall be irrevocable while this Environmental Covenant remains in full force and effect. The Settling Generator/Transporter Defendants are named on Exhibit F of the Environmental Covenant.

Permitted Uses. The right of access granted under the Environmental Covenant shall provide Access Grantees with access at all reasonable times to the Restricted Area, or such other property, for the purpose of conducting any activity related to the Consent Decree or the purchase of the Restricted Area, including, but not limited to, the following activities:

- a) Monitoring the Work;
- b) Verifying any data or information submitted to the United States or the State;
- c) Conducting investigations relating to contamination at or near the Restricted Area;
- d) Obtaining samples;
- e) Assessing the need for, planning, or implementing response actions at or near the Restricted Area;
- f) Implementing the Work pursuant to the Consent Decree;
- g) Inspecting and copying records, operating logs, contracts, or other documents maintained or generated by Owner or her agents, consistent with Section XXXI (Access to Information) of the Consent Decree;
- h) Assessing Settling Generator/Transporter Defendants' compliance with the Consent Decree;
- i) Determining whether the Restricted Area or other property is being used in a manner that is prohibited or restricted or that may need to be prohibited or restricted by or pursuant to the Consent Decree; and
- j) Surveying and making soil tests of the Restricted Area, locating utility lines, and assessing the obligations which may be required of a Prospective Purchaser (as defined in the Consent Decree) by EPA under the Consent Decree.